

12  
Rec'd PCT/PTO 21 APR 2006 # 5

10/533208 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Xiaolian Gao, *et al.*

Serial No.: 10/533,208

Filed: April 28, 2005

For: ARRAY OLIGOMER SYNTHESIS AND  
USE

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Dkt. No: INV850/4-11US/55006

Confirmation No. 9106

**CERTIFICATE OF EXPRESS MAILING**

NUMBER: EV 258 030 973 US

DATE: April 21, 2006

This paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**PETITION UNDER CFR §1.47**

**MAIL STOP PCT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The inventors of the captioned application are Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qimin You, and Xiaolin Zhang. The application has been jointly assigned to Invitrogen Corporation and The University of Houston, Houston, Texas (Reel/Frame 014396/0105, 014769/0984 and 014403/0291). Assignee Invitrogen Corporation's counsel has been unable to obtain signatures on the Declaration from inventors Qimin You and Shi-Ying Cai for the above-identified patent application and request that the application be prosecuted without the signatures of these two inventors.

On March 1, 2006, counsel for Assignee contacted the inventors requesting their signatures on the required declaration. A response from Qimin You was received on March 1, 2006, indicating that he was, in fact, one of the inventors of U.S. Patent Application SN

10/533,208. Dr. You indicated that he was in China and could not be returning to the United States for some time. A copy of the application as filed and a declaration was sent to Qimin You on March 2, 2006 via electronic mail. Dr. You did not return an executed Declaration via facsimile as instructed in our letter of March 2, 2006. On April 19, 2006, another electronic mail, enclosing a duplicate original Declaration, was forwarded to Dr. You with our request to review the patent application (previously sent) and execute the Declaration, returning the signed Declaration to us via facsimile. A copy of the March 1, 2006 and April 19, 2006 electronic mails are attached along with a copy of Mr. You's electronic response dated March 1, 2006. As of April 21, 2006, we still have not received the executed Declaration from Dr. You.

A copy of the application as filed and a declaration was sent to Shi-Ying Cai on March 10, 2006, by United States Postal Service ("USPS") via certified mail, return receipt requested, to the last known address on file for Shi-Ying Cai. Delivery of the certified package was attempted on March 13, 2006, March 21, 2006, and again on March 28, 2006. The USPS returned the package to our offices on March 30, 2006 because it was unclaimed. A copy of the March 10, 2006 letter and the front of the "returned" envelope indicating the USPS' attempts at delivery are enclosed.

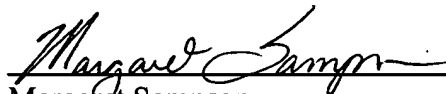
The last known address of Shi-Ying Cai is:  
8282 Cambridge, Apt. 306  
Houston, TX 77054

Assignee Invitrogen Corporation requests to continue prosecution of the application without the signatures of inventors Qimin You and Shi-Ying Cai at this time in order to avoid abandonment of the application.

The Commissioner is hereby authorized to deduct the fee of \$200.00 as set forth in C.F.R. §1.17(g) for filing by other than all the inventors from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/INV850/4-011US/55006. Should any additional fees under 37 C.F.R. §§ 1.16 to

1.21 be required for [REDACTED] reason relating to the enclosed material. [REDACTED] the Commissioner is hereby authorized to deduct said fees from referenced deposit account.

Respectfully submitted,



Margaret Sampson  
Reg. No. 47,052  
Attorney for Applicant

Vinson & Elkins L.L.P.  
First City Tower  
1001 Fannin Street, Suite 2300  
Houston, Texas 77002-6760  
512/542-8446

Date: April 21, 2006

677147\_1.DOC

Vinson & Elkins

00/533208

Margaret Sampson msampson@velaw.com  
Tel 512.542.8569 Fax 512.236.3264

March 10, 2006

Via CM, RRR  
No. 7000 1530 0005 0915 8198

Shi-Ying Cai  
8282 Cambridge  
Apt. 306  
Houston, TX 77054

Re: U. S. Patent Application Serial No. 10/533,208 entitled "Array Oligomer Synthesis and Use" by Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qimin You, and Xiaolin Zhang (Our Ref: INV850/4-011US/55006)

Dear Shi-Ying:

On October 28, 2003, we filed a PCT application entitled "Array Oligomer Synthesis and Use," *i.e.*, International Application No. PCT/US2003/034207, which lists you as one of five inventors. This application published on May 13, 2004, as WO 2004/039953 A3.

On April 28, 2005, the application was filed as a national U.S. application (U.S. Serial No. 10/533,208), which is attached to this correspondence. The application is jointly owned by the University of Houston and Invitrogen Corporation, since Xeotron Corporation assigned its interest in the application to Invitrogen Corporation. In order to meet all requirements for maintaining this application, we need a signed declaration from you. The Declaration (also attached to this correspondence) requires that you review and understand the specification and claims. After you review the application, please sign, date, and fill in your residential address (where indicated) on the Declaration and return it to my office as soon as possible, via facsimile (512.236.3264). We would greatly appreciate it if you would then return the original signed document via Federal Express and bill our account. Our Federal Express account number is 102627563 and the "Billing Reference Number" is INV850/55006. Please return the original signed document to:

Margaret J. Sampson  
Vinson & Elkins, LLP  
2801 Via Fortuna  
Suite 100  
Austin, Texas, 78746, USA

Please do not hesitate to contact me if you have any questions concerning this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Margaret Sampson". The signature is fluid and cursive, with the first name "Margaret" written in a larger, more prominent script than the last name "Sampson".

Margaret J. Sampson

MJS:cfp  
Enclosures  
682370\_1.DOC

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

The below named inventors believe they are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ARRAY OLIGOMERS SYNTHESIS AND USE**

the specification of which:

(check one)

☐ is attached hereto.

☒ was filed on April 28, 2005 as Application Serial No. 10/533,208.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/421,942  
(Application Serial No.)

October 28, 2002  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in 37 CFR Section 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

PCT/US2003/034207  
(Application Serial No.)

October 28, 2003  
(Filing Date)

Nationalized  
(Status)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Xiaolian Gao

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Country of Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Xiaochuan Zhou

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Country of Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Shi-Ying Cai

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Country of Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Qimin You

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Country of Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Xiaolin Zhang

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Country of Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_

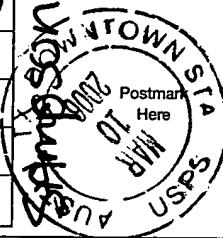
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Sent To Shi-Heng Cai  
Street, Apt. No., or PO Box No. 8282 Cambridge # 306  
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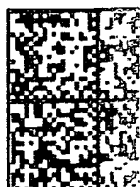
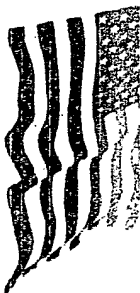
See Reverse for Instructions

7000 1530 0005 0915 8198

Vinson & Elkins LLP

7000 J530 0005 0915 8198

ATTORNEYS AT LAW  
VINSON & ELKINS LLP  
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PS Form 3811, July 1999

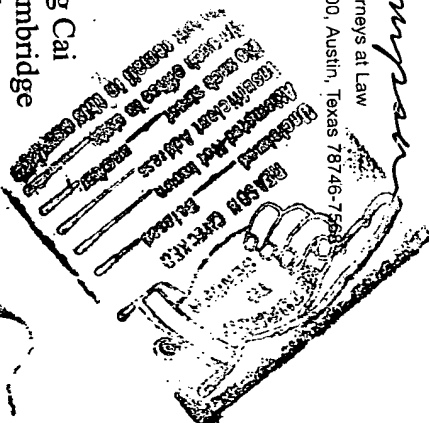
102595-00-M-0952

Vinson & Elkins

Margaret Lampson  
Vinson & Elkins LLP Attorneys at Law  
2801 Via Fortuna, Suite 100, Austin, Texas 78746-7568

3/13/06  
3-21-06  
3-28-06

Shi-Ying Cai  
8282 Cambridge  
Apt. 306  
Houston, TX 77054



**Porter, Carol**

---

**From:** System Administrator  
**To:** ycai\_w@yahoo.com.cn  
**Sent:** Wednesday, March 01, 2006 9:27 AM  
**Subject:** Undeliverable:LOOKING FOR SHI-YING CAI, QIMIN YU and XIAOLIN ZHANG

Your message did not reach some or all of the intended recipients.

**Subject:** LOOKING FOR SHI-YING CAI, QIMIN YU and XIAOLIN ZHANG  
**Sent:** 3/1/2006 9:27 AM

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ycai\_w@yahoo.com.cn on 3/1/2006 9:27 AM

The destination system is currently not accepting any messages. Please retry at a later time. If that fails, contact your system administrator.  
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<b><u>Y Cai</u></b>	<a href="#">More Information</a> <a href="#">Background Check</a>	<a href="#">Add to Address Book</a>	ycai_w@yahoo.com.cn
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\* No e-mail for Shi-Ying or S. Cai

**Porter, Carol**

---

**From:** System Administrator  
**To:** ycai\_w@yahoo.com.cn  
**Sent:** Wednesday, March 01, 2006 9:27 AM  
**Subject:** Undeliverable:LOOKING FOR SHI-YING CAI, QIMIN YU and XIAOLIN ZHANG

Your message did not reach some or all of the intended recipients.

**Subject:** LOOKING FOR SHI-YING CAI, QIMIN YU and XIAOLIN ZHANG  
**Sent:** 3/1/2006 9:27 AM

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The destination system is currently not accepting any messages. Please retry at a later time. If that fails, contact your system administrator.  
<alpha.velaw.com #5.3.0>

**Porter, Carol**

---

**From:** Porter, Carol  
**Sent:** Wednesday, March 01, 2006 9:27 AM  
**To:** 'ycai\_w@yahoo.com.cn'  
**Cc:** 'Ziminyou2000@yahoo.com'  
**Subject:** LOOKING FOR SHI-YING CAI, QIMIN YU and XIAOLIN ZHANG

I'm looking for Shi-Ying Cai, Qimin Yu and Xiaolin Zhang who were inventors for U.S. Patent Application, entitled "Array Oligomers Synthesis and Use."

**Carol F. Porter**  
Executive Legal Secretary  
**Vinson & Elkins LLP**  
2801 Via Fortuna, Suite 100  
Austin, TX 78746-7568  
Tel 512.542.8516  
Fax 512.236.3264  
[cporter@velaw.com](mailto:cporter@velaw.com)

---

4/21/2006

**Porter, Carol**

---

**From:** Qimin You [qiminyou2000@yahoo.com]  
**Sent:** Wednesday, March 01, 2006 7:40 PM  
**To:** Porter, Carol  
**Subject:** Re: SEARCHING FOR SHI-YING CAI, QIMIN YU and XIAOLIN ZHANG

Dear Mr. Porter,  
I am Qimin You (Not Yu), and I am one of the inventors  
in the patent you mentioned.

I am in China now and won't be back at US for  
sometime. You have my email address, we can  
communicate this way or you can call me at:

01186 1385 7187 433

Thanks,  
Qimin You

--- "Porter, Carol" <cporter@velaw.com> wrote:

> I'm looking for Shi-Ying Cai, Qimin Yu and Xiaolin  
> Zhang who were inventors for U.S. Patent  
> Application, entitled "Array Oligomers Synthesis and  
> Use."

>  
>  
> Carol F. Porter  
> Executive Legal Secretary  
> Vinson & Elkins LLP  
> 2801 Via Fortuna, Suite 100  
> Austin, TX 78746-7568  
> Tel 512.542.8516  
> Fax 512.236.3264  
> cporter@velaw.com

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Margaret Sampson msampson@velaw.com  
Tel 512.542.8569 Fax 512.236.3264

March 2, 2006

**Via Electronic Mail**  
**(qiminyou2000@yahoo.com)**

Qimin You

Re: U. S. Patent Application Serial No. 10/533,208 entitled "Array Oligomer Synthesis and Use" by Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qimin You, and Xiaolin Zhang (Our Ref: INV850/4-011US/55006)

Dear Dr. You:

Thank you for your prompt response to my electronic mail dated 1 March 2006. As you recall, on October 28, 2003 we filed a PCT application entitled "Array Oligomer Synthesis and Use," *i.e.*, International Application No. PCT/US2003/034207. This application published on May 13, 2004, as WO 2004/039953 A3.

On April 28, 2005, the application was filed as a national U.S. application (U.S. Serial No. 10/533,208), which is enclosed herein. The application is jointly owned by the University of Houston and Invitrogen Corporation. In order to meet all requirements for maintaining this application, we need a signed declaration from you and the other four inventors. The Declaration requires that you review and understand the specification and claims. After you review the application, please sign, date, and fill in your residential address (where indicated) on the Declaration and return it to my office as soon as possible, via facsimile (512.236.3264). We would greatly appreciate it if you would then place the original signed document in the mail and send it to us at:

Margaret J. Sampson  
Vinson & Elkins, LLP  
2801 Via Fortuna  
Suite 100  
Austin, Texas, 78746, USA

Please return the original Declaration to us via Federal Express and bill our account. Our Federal Express account number. is 102627563 and the "Billing Reference Number" is INV850/55006.

We are also trying to locate two of the other inventors, Shi-Ying Cai and Xiaolin Zhang. If you have a residence address, email address, or telephone number for either of these two inventors we would greatly appreciate your providing it to us.

Please do not hesitate to contact me if you have any questions concerning this matter.

Very truly yours,



Margaret J. Sampson

MJS:cfp  
Enclosures  
680377\_1.DOC

**Porter, Carol**

---

**From:** Porter, Carol  
**Sent:** Thursday, March 02, 2006 6:17 PM  
**To:** 'qiminyou2000@yahoo.com'  
**Subject:** U.S. Patent Application SN 10/533,208

Please see Margaret Sampson's letter of today's date and attachments.

***Carol F. Porter***  
Executive Legal Secretary  
**Vinson & Elkins LLP**  
2801 Via Fortuna, Suite 100  
Austin, TX 78746-7568  
Tel 512.542.8516  
Fax 512.236.3264  
cporter@velaw.com

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3/2/2006

**Porter, Carol**

---

**From:** Porter, Carol  
**Sent:** Wednesday, April 19, 2006 6:52 PM  
**To:** 'Qimin You'  
**Subject:** Declaration regarding U.S. Patent Application 10/533,208

Dear Qimin You:

I do not find where we have received a signed declaration from you regarding the above-referenced patent application entitled Array Oligomers Synthesis and Use wherein you were one of the inventors.

Is it possible you sent it and I have misplaced it?

If it would not be too much trouble, would you sign the attached Declaration (on page 3) and return it to me via facsimile (512.236.3264) as soon as possible?

**Carol F. Porter**  
Executive Legal Secretary  
**Vinson & Elkins LLP**  
2801 Via Fortuna, Suite 100  
Austin, TX 78746-7568  
Tel 512.542.8516  
Fax 512.236.3264  
[cporter@velaw.com](mailto:cporter@velaw.com)

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4/21/2006